

REMARKS

Amendment to independent claims 1 and 25 has been made to more clearly define the invention. More particularly, as now claimed, the secondary wire coils are disposed between adjoining and contiguous primary wire coils. Support for this amendment is found in all of the drawings and most particularly illustrated in Figures 1F, 1G, 2F, 5F, 6F, 6G, 7A-7L, 8A-8H, 9A-11A, 11D, 11G, 11H, 11K, 11N, 11Q, 11R, 13E, 15A, and 16A.

The Examiner has rejected claims 13, 14, 17, 18, 35, 36, 39, and 40 under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the terms "convex" and "concave" are somewhat confusing and do not accurately define the feature to be described and further are not described in the specification in such a way as to enable one skilled in the art to it pertains in order to make and/or use the invention.

The Applicant respectfully directs the Examiner's attention to Figures 1C and 1D and to the paragraphs on page 9, beginning with line 13 and line 19.

The Applicant respectfully submits that the definition of the concave angle and the convex angle as set forth in the rejected claims is clearly set forth in the Figures referenced.

Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection in claims 13, 14, 17, 18, 35, 36, 39, and 40 under 35 USC 112, first paragraph.

Claims 1-9, 9-12, 20-22, 25-29, 31-34, and 42-44 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by U.S. 5,791,638 to Balsells.

In this rejection, the Examiner states that with regard to claim 1, Balsells '638 shows a previous design of the Applicants and several embodiments utilizing the spring having primary and secondary coils with a differential dimension sizes to provide a variable force and deflection characteristic as broadly claimed.

First, the Applicant submits that the Examiner's interpretation that the differentiated dimensional size coils illustrated in Balsells '638 are directed to providing variable force and deflection of characteristics is not correct. Rather, the intent of these coils is for coupling the spring and the ends are adapted for coupling without welding.

However, in order to clearly distinguish the present invention over the reference, the Applicant has amended the claims to define the secondary wire coils as being disposed between adjoining and contiguous primary wire coils.

Clearly, this is not taught or suggested in the '638 reference inasmuch as the end coils are not disposed between adjoining and contiguous primary coils but rather are disposed at ends of the intermediate coils.

Anticipation under 35 USC 102(b) is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 221 USPQ 385 (Fed. Cir. 1984); In re Sun, 31 USPQ 2d 1451 (CAFC 1993); Advanced Display Systems, Inc. v. Kent State University, 540 USPQ 2d 1673 (CAFC 2000).

Further, the Applicant submits that anticipation must meet strict standards, and unless all of the same elements are found in exactly the same situation and united in the same way to form identical function in a single prior art reference, there is no anticipation. Tights, Inc. v. Acme-McCary Corporation, et al., 191 USPQ 305 (CAFC 1976).

In the case at hand, it is clear that the secondary coils as defined in the amended claims are disposed between adjoining and contiguous primary wire coils. As hereinabove pointed out, this is clearly not the case and the reference Balsells '638 patent. Thus, the Applicant submits that a rejection under 35 USC 102(b) of claims 1-7, 9-12, 20-22, 25-29, 31-34, and 42-45 is not sustainable and accordingly the Applicant respectfully request the Examiner to withdraw the rejection.

Claims 8 and 30 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Balsells '638 in view of U.S. 4,907,788 also to Balsells.

The Balsells '788 reference is directed to dual concentric canted-coil springs and is relied on by the

Examiner to illustrate primary and secondary coils made from different gage wire.

However, there is no teaching whatsoever in the '788 reference of primary and secondary coils being contiguous and differentiated from one another and further with the secondary wire coils being disposed between adjoining and contiguous primary wire coils.

The '788 that clearly illustrate concentric springs and not a contiguous spring having primary and secondary coils as claimed.

Accordingly, the '788 reference provides no further teaching or suggestion with regard to contiguous primary and secondary coils differentiated from one another by dimensional size and the secondary wire coils being disposed between the joining and contiguous primary wire coils.

Accordingly, the Applicant submits that the Examiner has not established a *prima facie* case of obviousness on the basis of the '638 and '788 references. It follows, the Applicant respectfully requests the Examiner to withdraw the rejection of claims 8 and 30 under 35 USC 103(a) on the basis of the Balsells '638 and Balsells '788 references.

Claims 13, 14, 17, 18, 35, 36, 39, and 40 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Balsells '638 in view of U.S. 5,139,276 also to Balsells. In this rejection, the Examiner stated that one having ordinary skill in the art would have found

it obvious to have canted the primary and secondary coils of '638 with the claim turn angles dependent upon the particular application of the garter spring or desired load versus deflection characteristics as taught by '278 in Figures 9 and 10.

In response thereto, the Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness based upon the cited references inasmuch as the '278 reference is totally silent with regard any teaching or suggestion of primary and secondary coils being contiguous and differentiated from one another by a dimensional size with the secondary wire coils being disposed between adjoining and contiguous primary wire coils. Accordingly, the applicant respectfully requests the Examiner to withdraw the rejection of claims 13, 14, 17, 18, 35, 36, 39, and 40 under 35 USC 103(a) on the basis of the Balsells '638 and Balsells '276.

Claims 15, 16, 19, 24, 37, 38, and 41 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Balsells '638.

The Examiner states in this rejection with regard to claims 15 and 37 '638 states that various combinations of the shapes and springs of angles thereof may vary to accommodate axial and/or radial loading and that one having ordinary skill in the art at the time the invention was made would have found it obvious to orient in the primary and secondary coils '638 to the claimed orientation to accommodate any specific application intended for the spring.

The Examiner also concludes that the claims 16 and 38 are made obvious by cited Balsells '638 reference and with regard to claims 19, 24, and 41 cross sections for one of the coils would simply amount to an obvious alternative equivalent cross section to that discussed by '638.

The deficiencies of the single '638 patent have been pointed out hereinabove and accordingly, a prima facie case of obviousness has not been set forth by the Examiner in view of the amended claims. As hereinabove repeatedly noted, there is no teaching in the '638 reference of primary and secondary wire coils which are contiguous and differentiated from one another by a dimensional size and further the secondary wire coils being disposed between adjoining and contiguous primary wire coils. Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection of claims 15, 16, 19, 24, 37, 38, and 41 under 35 USC 103(a) on the basis of the Balsells '638 reference.

Finally, claims 23 and 45 have been rejected by the Examiner under 35 USC 103(a) as being unpatentable over Balsells '638 in view of U.S. 3,011,775 to MacLeod. In this rejection, the Examiner has stated that with regard to the rejected claims 23 and 45, to use a spring with coils having flat sides as taught by MacLeod would have been obvious.

Again, the Applicants submits that a prima facie has not been made inasmuch as there is no suggestion or teaching in McLeod of primary and secondary coils being

contiguous and differentiated from one another by a dimensional size with the secondary wire coils being disposed between the joining and contiguous primary wire coils. Therefore, the Applicant submits that the rejection of claims 23 and 45 under 35 USC 103(a) be withdrawn and such action is respectfully requested.

In view of the arguments hereinabove set forth and amendment to the claims and specification, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectively requested.

Respectfully submitted,



Walter A. Hackler, Reg. No. 27,792
Attorney of Record
2372 S.E. Bristol, Suite B
Newport Beach, California 92660
(949) 851-5010

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE U.S. POSTAL SERVICE
AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED
TO: COMMISSIONER OF PATENTS, PO BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450, ON

Nov 17, 2004
11/17/04
(DATE SIGNED) WALTER A. HACKLER
REG. NO. 27,792